

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALEJANDRO MERCADO-GARCIA,
JACINTO NORIEGA-ULLOA, and
FRANCISCO CARRILLO-NORIEGA,

Defendants.

8:19CR286

AMENDED FINAL ORDER OF
FORFEITURE

This matter is before the Court upon the United States of America's Motion for an Amended Final Order of Forfeiture regarding Certain Property (Filing No. 105). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. On November 30, 2020, the Court entered a Preliminary Order of Forfeiture (Filing No. 86), forfeiting defendants' interests in:
 - (1) the real property located at 4931 South 50th Street, Omaha, Nebraska, 68117;
 - (2) \$21,100.00 U.S. currency seized from 4931 South 50th Street;
 - (3) a 2015 Jeep Compass, VIN: 1C4NJDBB6FD240373 registered to Francisco Carrillo-Noriega; and,
 - (4) a 2016 Toyota Tacoma LTD, VIN: 3TMGZ5AN7GM039333 registered to Jacinto Noriega Ulloa.
2. The United States sent written notice to all third parties asserting a legal interest in the property, including Westlake Financial. (Filing Nos. 87 and 88). The Notice included a copy of the Court's Preliminary Order of Forfeiture entered on November 30, 2020. The Court's Preliminary Order of Forfeiture instructed any person with an interest in any of the above-listed property to file a Petition with the Court. (Filing No. 86).

3. The United States published notice on an official internet government forfeiture site, www.forfeiture.gov, for thirty days, beginning December 1, 2020. (Filing No. 102).
4. On February 23, 2021, Westlake Services asserted a claim for \$7,600.65 with regard to the Toyota Tacoma.
5. On January 6, 2021, Vainey Cristol Tapia Borjas (“Borjas”) filed a Petition (Filing No. 96) with the Court asserting a claim for the property located on South 50th Street and the \$21,100 U.S. currency.
6. On May 24, 2021, Borjas agreed by stipulation to withdraw her claim on the house and pay \$65,000.00 to the United States as part of Jacinto Noriega-Ulloa’s interest in the House. Further Borjas agreed to withdraw her claim of the \$15,200 of \$21,100 U.S. currency listed in the Forfeiture Allegation of the Indictment.
7. The United States has received payment of \$65,000 from Borjas as agreed by stipulation.
8. The United States has advised the Court that no other person or entity has filed a petition for Property subject to forfeiture. From a review of the Court file, the Court finds that no other person or entity has filed a petition.
9. The Motion for Final Order of Forfeiture should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

- A. The Motion for an Amended Final Order of Forfeiture is hereby granted.
- B. All right, title, and interest in and to \$15,200.00 U.S. currency, the 2015 Jeep Compass and, the 2016 Toyota Tacoma LTD (the “Properties”) held by any person or entity, is hereby forever barred and foreclosed.

- C. The Properties are hereby forfeited to the United States of America.
- D. The U. S. Marshals Service (“USMC”) should sell the vehicles, expeditiously and in a commercially-reasonable manner.
- E. The USMS shall give notice of any proposed sale of the Toyota Tacoma to Westlake Services. After the sale of said vehicle, the USMS shall allocate the sale proceeds first, to the costs of the sale, and second to Westlake in satisfaction of its claim for \$7,600.65 based on its lien.
- F. The United States is directed to forfeit and dispose of the property in accordance with the law.

ORDERED this 22nd day of June, 2021.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge